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12/10/01 U.S. PTO

# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 00-22 Total Pages 74

First Named Inventor or Application Identifier

PAWLIKOWSKI et al.

Title System and Method for Upgrading a Medical Device

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Express Mail Label No. EL740324114US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)

2. ☒ Specification [Total Pages 58]  
(preferred arrangement set forth below)  
-Descriptive Title of the Invention  
-Cross References to Related Applications  
-Statement Regarding Fed sponsored R & D  
-Background of the Invention  
-Brief Summary of the Invention  
-Brief Description of the Drawings (if filed)  
-Detailed Description  
-Claim(s)  
-Abstract of the Disclosure

3. ☒ Drawing(s) (35 U.S.C. § 113) [Total Sheets 4]

4. ☒ Oath or Declaration [Total Pages 3]  
a. ☒ Newly executed (original or copy)  
b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Boxes 19 and 20 completed)  
[Note Box 5 below]  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

c. ☐ Unsigned

5. ☐ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from  
which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the  
disclosure of the accompanying application and is  
hereby incorporated by reference therein.

6. ☒ Application Data Sheet per 37 C.F.R. § 1.76  
[Total Pages 3]

7. **DOMESTIC/INTERNATIONAL** priority is claimed under 35 U.S.C. § 119(e)/120/365(a)  
based on the following provisional, nonprovisional, and/or PCT international application(s):

	Application No.	Filing Date
(1)	60/256,021	December 15, 2000
(2)		

8. ☒ Prior application is assigned to Respironcis, Inc. by Assignment  
recorded April 23, 2001 Reel 011747 Frame(s) 0242.

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))  
(Please return recorded assignment to the undersigned)
10. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS Citations  
Statement (IDS)/PTO-1449
13. ☐ Preliminary Amendment (to be entered before calculating fees)
14. ☒ Return Receipt Postcard  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Certificate of Mailing by Express Mail
17. ☐ Non-publication Request and Cert. under 35 U.S.C.  
§ 122(b)(2)(B)(i) (attach copy of RI-186 Form (PTO/SB/35)).
18. ☐ Other: \_\_\_\_\_

19. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. \_\_\_\_\_  
Prior application Information: Examiner: \_\_\_\_\_ Group/ArtUnit: \_\_\_\_\_

20. Please amend the specification by inserting before the first line of the sentence: This is a ☐ Continuation ☐ Divisional  
☐ Continuation-in-part (CIP) of prior application No. \_\_\_\_\_

## 21. CORRESPONDENCE ADDRESS

Customer No. and Bar Code Label.



30031

PATENT TRADEMARK OFFICE

Name	Michael W. Haas	Reg. No.	35,174
Signature	<i>Michael W. Haas</i>	Date	December 10, 2001

(Effective 10/01/2001)

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>\$ 1,506.00</b>
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Not Yet Assigned

December 10, 2001

PAWLIKOWSKI et al.

Unknown

Unknown

Unknown

00-22

**FEE CALCULATION (continued)**

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Respironics, Inc.

☒ Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17, 1.19 and 1.20

Check (Check No. 1033)

**FEE CALCULATION** (fees effective 10/01/00)

### 1. FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee (\$)		Fee (\$)			
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

<b>SUBTOTAL (1)</b>	<b>\$ 740.00</b>
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## 2. CLAIMS

2. CLAIMS		Extra Claims	Fee from Below	Fee Paid
Total Claims	<u>51</u>	- 20 *	31 x 18 =	558.00
Ind. Claims	<u>5</u>	- 3 *	2 x 84 =	168.00
Multiple Dependent Claims add			280 =	0.00

\* Enter Highest Number Previous Paid For

Large Entity Fee	Entity (\$)	Small Entity Fee	Entity (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim
109	84	209	42	Reissue independent claims over original patent
110	18	210	9	Reissue claims in excess of 20 and over original patent

<b>SUBTOTAL (2)</b>	<b>\$ 726.00</b>
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### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or declaration	
127	50	227	25	Surcharge - late provisional filing fee or or cover sheet	
145	100	145	100	Certificate of Correction	
147	2,520	147	2,520	For filing a request for reexamination	
576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	400	216	200	Extension for response within second month	
117	920	217	460	Extension for response within third month	
118	1,440	218	720	Extension for response within fourth month	
128	1,960	228	980	Extension for response within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive unavoidably abandoned application	
141	1,280	241	640	Petition to revive unintentionally abandoned application	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
148	110	248	55	Statutory Disclaimer	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of property)	40.00
146	740	246	370	Filing a submission after final rejection (37 C.F.R. § 1.129(a))	
179	740	279	370	Request for Continued Examination	

Other Fee (specify) \_\_\_\_\_

<b>SUBTOTAL (3)</b>	<b>\$ 40.00</b>
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## SUBMITTED BY

Typed or Printed Name	Michael W. Haas
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Reg. Number	35.174
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Signature Michael W. Fenn

Date	December 10, 2001
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Deposit Account Number	50-0558
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## Certificate of Mailing by "Express Mail"

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"Express Mail" label number

December 10, 2001

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to:

Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Michael W. Haas

Signature of person mailing correspondence

Michael W. Haas

Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".